

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTERS OF
SARA DAVIS HARMAN**

VS B Docket Nos. 10-032-083590, 11-032-086311, and 11-032-086318

MEMORANDUM ORDER

These matters came on to be heard on March 9, 2012, by the Disciplinary Board of the Virginia State Bar (the Board) by teleconference upon an Agreed Disposition between the parties, which was presented to a panel of the Board consisting of William H. Atwill, Jr., John S. Barr, Timothy A. Coyle, Jody D. Katz, Lay Member, and Thomas R. Scott, Jr., Chair presiding (the Panel).

Renu Mago Brennan, Assistant Bar Counsel, appeared as counsel for the Virginia State Bar, and Respondent Sara Davis Harman ("Respondent") appeared by teleconference with counsel, Craig S. Cooley.

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Bar and Respondent entered into a written proposed Agreed Disposition and presented same to the Panel.

The Chair swore the Court Reporter and polled the members of the Panel to determine whether any member had a personal or financial interest that might affect or reasonably be perceived to affect his or her ability to be impartial in these matters. Each member, including the Chair, verified they had no such interests.

The Panel heard argument from counsel and reviewed Respondent's prior disciplinary record with the Bar, and it considered the parties' agreement, put forth on the record, to add to the Agreed Disposition a term of discipline requiring Respondent to reimburse Complainant Sean Broomell the sum of \$250.00. Thereafter, the Panel retired to deliberate on the Agreed Disposition. Having considered all the evidence before it, the Panel unanimously accepted the Agreed Disposition with the additional term of restitution of \$250.00.

VSb DOCKET NO. 10-032-083590

A. WAYNE BOYD

I. FINDINGS OF FACT

1. At all times relevant to this matter, the respondent, Sara Davis Harman ("Respondent") was licensed to practice law in the Commonwealth of Virginia.
2. By order entered August 20, 2008, the Circuit Court of the County of Henrico appointed Respondent to represent Wayne Boyd in a motions hearing and at sentencing.
3. On September 25, 2008, the Circuit Court of the County of Henrico entered judgment against Mr. Boyd.
4. On October 2, 2008, Respondent timely noted Mr. Boyd's appeal of the judgment. Respondent noted the appeal as an extension of her duties as trial counsel and prior to being appointed as appellate counsel. The notice of appeal was filed in the Circuit Court of Henrico County on October 3, 2008 and in the Court of Appeals for Virginia on October 6, 2008.
5. Respondent provided Mr. Boyd with a copy of the notice of appeal.
6. By order entered December 3, 2008, the Circuit Court of Henrico County appointed Respondent to represent Wayne Boyd in his appeal.
7. On December 19, 2008, the Court of Appeals of Virginia received the record of the proceedings in the trial court.
8. Respondent subsequently failed to file the Petition for Appeal with the Court of Appeals of Virginia.

9. By order dated February 13, 2009, the Court of Appeals of Virginia dismissed Mr. Boyd's appeal because no petition for appeal was filed within the deadline.
10. Mr. Boyd was not aware that Respondent did not file his petition for appeal or that his appeal was dismissed.
11. According to Mr. Boyd, he wrote to Respondent and requested a status update regarding his appeal. Respondent did not respond to Mr. Boyd.
12. By letter received by the Virginia Court of Appeals on September 22, 2009, Mr. Boyd wrote to the Clerk of the Court of Appeals of Virginia stating that Respondent had not communicated with Mr. Boyd regarding the status of his appeal. Mr. Boyd requested that the Court of Appeals of Virginia advise him of the status of his appeal.
13. By letter dated October 21, 2009, the Chief Deputy Clerk of the Court of Appeals of Virginia notified Mr. Boyd that his case was dismissed on February 13, 2009, and that the Court of Appeals of Virginia had no record that either a petition for rehearing or appeal of the Court of Appeals of Virginia's dismissal to the Supreme Court of Virginia were filed on Mr. Boyd's behalf. The letter further noted that the Court of Appeals of Virginia no longer had jurisdiction of Mr. Boyd's case, and the Court of Appeals of Virginia had returned Mr. Boyd's record to the trial court.
14. By letter dated October 29, 2009, from Mr. Boyd to the Clerk of the Court of Appeals of Virginia, Mr. Boyd stated that Respondent had not responded to any of his communications, and the two were no longer in contact. He thus requested the Clerk send him copies of all items filed in his appeal.
15. Mr. Boyd asserts that Respondent never advised him that his appeal was denied, nor did she advise him of his options thereafter, including that he could file for a delayed appeal.
16. After speaking with other inmates, Mr. Boyd learned that he could file for a delayed appeal, which he did. Mr. Boyd states the motion was denied.
17. While Respondent produced her file in response to the Bar's subpoena, Respondent did not respond to the Bar's complaint, nor did she participate in an interview with the Virginia State Bar investigator.

II. NATURE OF MISCONDUCT

Such conduct by Sara Davis Harman constitutes misconduct in violation of the following

provisions of the Rules of Professional Conduct:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RULE 1.16 Declining Or Terminating Representation

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

B. PHILIP/PHILLIP CLAYTON FLOURNOY

I. FINDINGS OF FACT

1. At all times relevant to this matter, Respondent was licensed to practice law in the Commonwealth of Virginia.
2. In 2009, Respondent was appointed to represent Mr. Flournoy at trial.
3. On October 28, 2009, the Circuit Court of the County of Henrico entered judgment against Mr. Flournoy.
4. On November 12, 2009, Respondent timely noted Mr. Flournoy's appeal of the judgment. Respondent noted the appeal as an extension of her duties as trial counsel and prior to being appointed as appellate counsel. The notice of appeal was filed with the Court of Appeals of Virginia on November 16, 2009.
5. By letter dated November 12, 2009, Respondent requested the transcript of the trial from the Clerk of the Circuit Court of County of Henrico.

6. Mr. Flournoy received a copy of the notice of appeal.
7. On January 22, 2010, the Court of Appeals of Virginia received the record of the proceedings in the trial court.
8. Respondent failed to file the Petition for Appeal with the Court of Appeals of Virginia.
9. By order dated March 22, 2010, the Court of Appeals of Virginia dismissed Mr. Flournoy's appeal because no petition for appeal was filed within the deadline.
10. Mr. Flournoy was not aware that Respondent did not file his petition for appeal or that his appeal was dismissed. The last communication Mr. Flournoy had from Respondent was in November 2009 when he received a copy of the notice of appeal.
11. Mr. Flournoy asserts that Respondent never advised him that his appeal was denied, nor did she advise him of his options upon denial of the appeal.
12. While Respondent produced her file in response to the Bar's subpoena, Respondent did not respond to the Bar's complaint, nor did she participate in an interview with the Virginia State Bar investigator.

II. NATURE OF MISCONDUCT

Such conduct by Sara Davis Harman constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RULE 1.16 Declining Or Terminating Representation

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

VSb DOCKET NO. 11-032-086311

A. SEAN MICHAEL BROOMELL

I. FINDINGS OF FACT

1. At all times relevant to this matter, the respondent, Sara Davis Harman ("Respondent") was licensed to practice law in the Commonwealth of Virginia.
2. In October or November 2008, Complainant Sean Michael Broomell ("Complainant"), a Henrico County police officer, retained Respondent to file a defamation suit on his behalf against three defendants. The suit arose out of allegedly defamatory remarks published regarding a traffic stop made by Complainant, while on duty, on September 29, 2008.
3. Complainant asserts he paid Respondent the sum of \$250.00 for her legal representation of him in the defamation suit, and he and Respondent agreed that she would receive a 30% contingency of any award.
4. According to Complainant, he and Respondent agreed to wait to file the defamation suit after the individual he had stopped, and who was arrested, had concluded her appeal of her criminal conviction.
5. On October 20, 2009, Respondent sent a copy of a draft complaint to Complainant.
6. Complainant asserts he reviewed the draft complaint and directed Respondent to file suit.
7. According to Complainant, he and Respondent spoke at least once a month. Complainant asserts that Respondent told Complainant that Respondent had filed suit and the parties were awaiting dates to commence discovery. Respondent advised Complainant the case would start "soon," but she did not provide specific dates.
8. In September 2010, the individual Complainant arrested filed a federal suit against Complainant. Henrico County Attorney Lee Ann Anderson represented Complainant in that suit.

9. Complainant asserts he spoke with Respondent many times after the September 2010 federal suit was filed. Respondent consistently and repeatedly told Complainant that she had filed suit; she had the necessary documentation and correspondence; and she would coordinate with Attorney Anderson as necessary.
10. Attorney Lee Ann Anderson attempted, through her paralegal, to obtain a copy of the defamation suit Complainant believed Respondent had filed in the Henrico County Circuit Court. Anderson's paralegal attempted to obtain a copy of the filed suit in Henrico County Circuit Court. The paralegal learned that no suit had been filed.
11. Attorney Anderson called Respondent repeatedly to determine if the suit was filed in another jurisdiction.
12. Attorney Anderson spoke with Respondent on one occasion. Respondent represented to Attorney Anderson that Respondent represented Complainant, and she had filed suit in Henrico County Circuit Court.
13. Anderson requested that Respondent send her a copy of the suit. Respondent promised Anderson she would do so.
14. Respondent did not send Anderson a copy of the suit.
15. Anderson also asked Respondent about the status of the case, and Respondent advised that other than filing the complaint, the case had not moved forward, and there had been no discovery.
16. After Respondent failed to send Anderson the complaint, Anderson again sent her paralegal to Henrico County Circuit Court. Anderson's paralegal could not find the complaint. Anderson sent a second paralegal who also did not see that a complaint had been filed as Respondent had represented.
17. By letter dated November 23, 2010 to Respondent, Anderson requested that Respondent provide her with a copy of the complaint.
18. Shortly thereafter Complainant learned, through reading about the matter in the press, that the Virginia State Bar had suspended Respondent's license to practice law in December 2010.
19. Respondent did not advise Complainant of her suspension to practice law in the Commonwealth of Virginia.
20. On December 20, 2010, Complainant submitted a complaint about Respondent's conduct to the Virginia State Bar.

21. By letter dated January 4, 2011, Assistant Bar Counsel Renu M. Brennan requested that Respondent respond to the bar complaint within 21 days.
22. Respondent did not respond to the bar complaint.
23. By letter dated February 4, 2011, Assistant Bar Counsel Renu M. Brennan advised Respondent that the bar complaint had been referred to the Third District Committee of the Virginia State Bar for a more detailed investigation and that an investigator might contact Respondent during the investigation. The February 4, 2011, letter further reminded Respondent of her duty, pursuant to Rule of Professional Conduct 8.1(c), to comply with the bar's lawful demands for information not protected from disclosure by Rule of Professional Conduct 1.6.
24. On February 8, 2011, Assistant Bar Counsel Renu M. Brennan served on Respondent, via certified mail to Respondent's address of record with the Virginia State Bar, a subpoena *duces tecum* asking that Respondent produce documents relating to her representation of Complainant.
25. Respondent failed to comply with the subpoena *duces tecum*.
26. By letter dated March 2, 2011, Virginia State Bar investigator Cam Moffatt requested that Respondent contact her to discuss Complainant's complaint.
27. Respondent did not respond to Ms. Moffatt's March 2, 2011, letter, nor did she participate in any way in the investigation of this complaint.
28. By letter dated March 3, 2011, Assistant Bar Counsel Renu M. Brennan again wrote to Respondent at her last address of record and requested that she comply with the subpoena *duces tecum* by March 14, 2011.
29. Respondent failed to respond to the March 3, 2011, letter or comply with the subpoena *duces tecum*.
30. By letter dated March 3, 2011, from VSB Investigator Cam Moffatt to the Henrico Circuit Court, Ms. Moffatt requested a copy of a court file for Complainant. She was advised there was no file.

II. NATURE OF MISCONDUCT

Such conduct by Sara Davis Harman constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RULE 1.16 Declining Or Terminating Representation

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

RULE 8.1 Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6;

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law.

A. RICHARD MICHAEL VALENTINE

I. FINDINGS OF FACT

1. At all times relevant to this matter, the respondent, Sara Davis Harman (“Respondent”) was licensed to practice law in the Commonwealth of Virginia.
2. In October 2007, Complainant Michael Valentine (“Complainant”), a Henrico County police officer, retained Respondent to file a suit for slander *per se* on his behalf against William A. Young, III, Esq. The suit arose from defendant Young’s alleged slanderous statements about Complainant in connection with a criminal case in which defendant Young represented a criminal defendant. The statements were allegedly made in October 2007.
3. Complainant did not pay Respondent a fee for her representation.
4. According to Complainant, he and Respondent agreed to wait until other matters were resolved prior to filing suit. In May 2008, the matters were resolved, and Respondent advised Complainant she would file suit. Respondent and Complainant spoke a few times in the summer of 2008.
5. On November 7, 2008, Respondent filed suit on Complainant’s behalf in the Circuit Court of the County of Henrico. The case bore the caption Valentine v. Young, Case No. CL 08-2718.
6. In 2009, Complainant asserts he specifically asked Respondent whether Defendant Young had been served with the suit. Complainant asserts Respondent advised Complainant that Young had been served, and Respondent commented that she would have loved to have seen the expression on Mr. Young’s face when he was served.
7. According to Complainant, Respondent consistently and repeatedly advised Complainant that she was working on his case and that she was trying to negotiate a settlement. Respondent requested Complainant be patient.
8. The file from the Henrico County Circuit Court contains a letter dated December 3, 2009, from the Clerk of Henrico County Circuit Court to Respondent. The letter requested Respondent show the Court that the suit had been served on defendant Young within one year of the filing date or that due diligence was exercised to have service timely effected on defendant Young. The letter stated that if Respondent did not show service within one

year from the filing date or due diligence to effect service the suit would be discontinued from the docket.

9. Respondent did not advise the Court that she had served the defendant, and there is no record that service was ever effected on defendant Young.
10. By order entered January 22, 2010, the Circuit Court of the County of Henrico struck Complainant's suit from its docket because process was not served within one year of the commencement of the case, and thirty days had lapsed since the Clerk of the Circuit Court had notified Respondent that the suit would be dismissed unless she showed service had been effected or diligence had been exercised to effect service.
11. Complainant was never made aware of the December 3, 2009, letter from the Court, and he was not aware that the suit would be dismissed in January 2010 if Respondent did not show the Court that she had effected service of the suit or had diligently tried to do so.
12. Respondent never notified Complainant that his suit was dismissed in January 2010.
13. In February 2010, according to Complainant, Respondent advised Complainant that defendant's counsel had offered \$15,000.00 to settle the matter, but Respondent advised Complainant she believed she could get more.
14. After February 2010, Complainant sent Respondent several text messages to determine the status of negotiations. According to Complainant, Respondent advised she was trying to ascertain whether defendant had malpractice insurance, and Respondent advised Complainant that she had requested defendant's financial information in discovery.
15. By e-mail dated July 14, 2010, Complainant asked Respondent about the status of the case. Specifically, Complainant asserted his belief that it had been 18 months since Respondent filed suit, and he noted that the parties had only had one meeting regarding his case. By this e-mail Complainant also inquired whether he should switch attorneys.
16. By e-mail dated July 19, 2010, Respondent asked for Complainant's cell phone number.
17. By e-mail dated July 28, 2010, Complainant requested a status update.
18. Complainant asserts that after these e-mails were sent, Respondent advised Complainant that depositions were scheduled for early September.
19. Prior to the scheduled deposition, Complainant asserts that Respondent advised Complainant that he did not need to worry about the deposition as she was going to teleconference the other side, presumably about settlement negotiations, while on a flight. Complainant inquired as to the offer, but Respondent did not respond to his inquiries.

20. After September 2010, according to the Complainant, Respondent advised that she was continuing to try to negotiate a settlement.
21. In December 2010 Complainant read that the Virginia State Bar had suspended Respondent's license to practice law. Complainant sent Respondent a text message inquiring about his case. Respondent advised Complainant not to worry as nothing was final. She stated Respondent's case would be assigned to another attorney.
22. Complainant then spoke to another attorney who advised that Complainant obtain a copy of his file from the Henrico County Circuit Court. Complainant thus learned that his case had been dismissed on January 22, 2010 because the suit had never been served on the defendant.
23. Upon learning that his case had been dismissed, Complainant contacted Respondent and advised that he learned that his case had been dismissed because the suit had not been served on defendant. Respondent stated she would call Complainant back to discuss the matter. Respondent did not call Complainant.
24. On December 20, 2010, Complainant submitted a complaint about Respondent's conduct to the Virginia State Bar.
25. By letter dated January 4, 2011, Assistant Bar Counsel Renu M. Brennan requested that Respondent respond to the bar complaint within 21 days.
26. Respondent did not respond to the bar complaint.
27. By letter dated February 7, 2011, Assistant Bar Counsel Renu M. Brennan advised Respondent that the bar complaint had been referred to the Third District Committee of the Virginia State Bar for a more detailed investigation and that an investigator might contact Respondent during the investigation. The February 7, 2011, letter further reminded Respondent of her duty, pursuant to Rule of Professional Conduct 8.1(c), to comply with the bar's lawful demands for information not protected from disclosure by Rule of Professional Conduct 1.6.
28. On February 8, 2011, Assistant Bar Counsel Renu M. Brennan served on Respondent, via certified mail to Respondent's address of record with the Virginia State Bar, a subpoena *duces tecum* asking that Respondent produce documents relating to her representation of Complainant.
29. Respondent failed to comply with the subpoena *duces tecum*.

30. By letter dated March 2, 2011, Virginia State Bar investigator Cam Moffatt requested that Respondent contact her to discuss Complainant's complaint.
31. Respondent did not respond to Ms. Moffatt's March 2, 2011, letter, nor did she participate in any way in the investigation of this complaint.
32. By letter dated March 3, 2011, Assistant Bar Counsel Renu M. Brennan again wrote to Respondent at her last address of record and requested that she comply with the subpoena *duces tecum* by March 14, 2011.
33. Respondent failed to respond to the March 3, 2011, letter or comply with the subpoena *duces tecum*.

II. NATURE OF MISCONDUCT

Such conduct by Sara Davis Harman constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
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RULE 1.16 Declining Or Terminating Representation

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

RULE 8.1 Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6;

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law.

III. IMPOSITION OF SANCTION

Having considered all the evidence before it and determined to accept the Agreed Disposition, the Disciplinary Board **ORDERS** that Respondent's license to practice law in the Commonwealth of Virginia shall be suspended for one year. The one-year suspension will commence December 10, 2013, upon termination of Respondent's current three-year suspension which was effective December 10, 2010. The terms with which Respondent must comply are as follows:

1. Not later than April 1, 2012, Respondent shall participate in an evaluation conducted by Lawyers Helping Lawyers ("LHL") and shall implement all of LHL's recommendations. Respondent shall enter into a written contract with LHL for a minimum period of one (1) year and shall comply with the terms of such contract, including, *inter alia*, personally meeting with LHL and its professionals, as directed. Respondent shall authorize LHL (i) to provide periodic reports to the Office of Bar Counsel stating whether Respondent is in compliance with LHL's contract with Respondent, and (ii) to notify the Office of Bar Counsel promptly if Respondent fails to follow the LHL-prescribed program, or ends participation in the LHL-prescribed program sooner than the expiration of the LHL contract.

2. Respondent shall reimburse Complainant Sean Broomell the sum of \$250.00 via check made payable to Sean Broomell. Respondent's counsel shall deliver the check to the Office of Bar Counsel, which will forward the check to Mr. Broomell.

Upon satisfactory proof that such terms and conditions have been met, these matters shall be closed. If, however, all the terms and conditions are not met by the deadlines imposed above, the Respondent agrees that the Disciplinary Board shall revoke her license pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-18.O. Any Proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed pursuant to Paragraph 13-9.E of the Rules of Court.

As Respondent is currently suspended from practicing law in the Commonwealth of Virginia, and as Respondent represented to the Panel that she is not currently handling any client matters, and as Respondent will still be suspended from the practice of law in the Commonwealth of Virginia on December 10, 2013, the effective date of the suspension, she shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

It is further **ORDERED** that costs shall be assessed by the Clerk of the Disciplinary System pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-9.E.

It is further **ORDERED** that the Clerk of the Disciplinary System shall send a certified copy of this order to Sara Davis Harman at her last address of record with the Virginia State Bar, PO Box 1323, Glen Allen, VA 23060 and by regular mail to the Respondent at 3216 Mountain

Road, Glen Allen, VA 23060, and to Respondent's Counsel, Craig S. Cooley, 3000 Idlewood Avenue, P.O. Box 7268, Richmond, VA 23221-0268 and hand-delivered to Renu M. Brennan, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219.

Tracy J. Stroh of Chandler & Halasz, PO Box 9849, Richmond, Virginia 23227 was the court reporter for the hearing and transcribed the proceedings.

ENTERED: March 12, 2012

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: Thomas R. Scott, Jr.
Thomas R. Scott, Jr., Chair